

Regular Session, 2010

HOUSE BILL NO. 1096

BY REPRESENTATIVE HENRY

MOTOR VEHICLES: Provides with respect to stored motor vehicles

1 AN ACT

2 To amend and reenact R.S. 32:1728(D)(3) and (4) and 1728.2(D)(introductory paragraph),
3 (F)(introductory paragraph), and (G)(2) and (6), relative to the disposal of stored
4 motor vehicles; to require a receipt of certificate of mailing to show proof of mailing
5 of notices; to require applications for crushing vehicles to be completed in a format
6 specified by the Department of Public Safety and Corrections; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:1728(D)(3) and (4) and 1728.2(D)(introductory paragraph),
10 (F)(introductory paragraph), and (G)(2) and (6) are hereby amended and reenacted to read
11 as follows:

12 §1728. Disposal of a stored motor vehicle

13 * * *

14 D. Prior to issuance of the permit to sell or permit to dismantle, the storage
15 or parking facility owner shall provide the department with the following evidence:

16 * * *

17 (3) The original ~~signed post office receipt of delivery~~ receipt of certificate
18 of mailing for both the first and final notices sent to the stored vehicle's owner ~~or~~ and
19 the returned unopened envelope, if applicable, for the first or final notices with postal
20 markings indicating the post office's attempt to deliver such notice. If ~~either~~ of these

1 items cannot be furnished, other documented proof that the storage or parking
2 facility owner sent notice to the stored vehicle's owner shall be submitted to the
3 department.

4 (4) An ~~original appraisal, prepared by an independent appraiser, which shall~~
5 ~~contain the year, make, model, and vehicle identification number and the printed~~
6 ~~name and address and full signature of the appraiser. Additionally, a photograph of~~
7 ~~the vehicle shall be affixed to the appraisal~~ based on the most recent National
8 Automobile Dealers Association Guide.

9 * * *

10 §1728.2. Procedure for disposal of junk vehicles

11 * * *

12 D. Each owner-operator who possesses a vehicle which meets the criteria set
13 forth in Paragraph (C)(2) of this Section may make application for crushing of the
14 vehicle at the expiration of thirty days or make application for dismantling of the
15 vehicle at the expiration of thirty days from mailing of the ~~notice, by certificate of~~
16 mailing, notice. The application shall be made in a format authorized by the
17 department on a form provided by the Department of Public Safety and Corrections,
18 ~~office of motor vehicles,~~ upon satisfaction and submission of each of the following
19 requirements:

20 * * *

21 F. Within seven business days following the crushing or dismantling of the
22 vehicle, the licensed crusher or licensed dismantler shall execute a certification for
23 each vehicle, ~~on the form provided~~ in a format authorized by the Department of
24 Public Safety and Corrections, office of motor vehicles, ~~and forward it to the office~~
25 ~~of motor vehicles, by certificate of mailing,~~ providing the following information:

26 * * *

27 G. The owner-operator shall maintain copies of the following records on all
28 vehicles crushed or dismantled under the provisions of this Section:

29 * * *

1 (2) One appraisal showing the vehicle has a fair market value of five hundred
2 dollars or less. The appraisal shall be based on the ~~standard~~ rough trade value of the
3 vehicle as determined by the most recent National Automobile Dealers Association
4 Guide.

5 * * *

6 (6) The original ~~signed post office receipt of delivery, if the letter required~~
7 ~~to be sent by this Section has been delivered, or~~ receipt of certificate of mailing for
8 the notice sent to the stored vehicle's owner and the returned unopened envelope, if
9 applicable, with the postal marking indicating attempt to deliver the letter required
10 by this Section. If ~~either of~~ these items could not be furnished, other documented
11 proof that the storage or parking facility owner sent notice to the stored vehicle
12 owner shall be retained by the owner-operator. These records shall be open to
13 inspection by any peace officer any time the business is open. All records required
14 by this Section shall be maintained for a period of at least three years.

15 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Henry

HB No. 1096

Abstract: Requires a receipt of certificate of mailing to show proof of mailing of notices. Requires applications for crushing vehicles to be completed in a format specified by the Dept. of Public Safety and Corrections.

Present law provides that, prior to issuance of a permit to sell or permit to dismantle a stored vehicle, the storage or parking facility owner shall provide the Dept. of Public Safety and Corrections with the original signed post office receipt of delivery for both the first and final notices sent to the stored vehicle's owner or the returned unopened envelope for the first or final notices with postal markings indicating the post office's attempt to deliver such notice. If either of these items cannot be furnished, the storage or parking facility owner shall provide other documented proof that the storage or parking facility owner sent notice to the stored vehicle's owner to the department.

Proposed law provides that, prior to issuance of the permit to sell or permit to dismantle, the storage or parking facility owner shall provide the department with the original receipt of certificate of mailing for both the first and final notices sent to the stored vehicle's owner and the returned unopened envelope, if applicable, for the first or final notices with postal markings indicating the post office's attempt to deliver such notice. If these items cannot be furnished, the storage or parking facility owner shall provide other documented proof that

the storage or parking facility owner sent notice to the stored vehicle's owner to the department.

Present law authorizes each owner-operator who possesses a vehicle which meets the criteria set forth in present law to make application for crushing of the vehicle at the expiration of 30 days or make application for dismantling of the vehicle at the expiration of 30 days from mailing of the notice, by certificate of mailing, on a form provided by the Dept. of Public Safety and Corrections, office of motor vehicles.

Proposed law authorizes each owner-operator to make application for crushing of the vehicle at the expiration of 30 days or make application for dismantling of the vehicle at the expiration of 30 days from mailing of the notice. The application shall be made in a format authorized by the department.

Present law requires, within 7 business days following the crushing or dismantling of the vehicle, the licensed crusher or licensed dismantler to execute a certification for each vehicle, on the form provided by the Dept. of Public Safety and Corrections, office of motor vehicles, and forward it to the office of motor vehicles, by certificate of mailing.

Proposed law requires, within 7 business days following the crushing or dismantling of the vehicle, the licensed crusher or licensed dismantler to execute a certification for each vehicle, in a format authorized by the Dept. of Public Safety and Corrections, office of motor vehicles.

Present law requires an owner-operator to maintain a copy of one appraisal showing a vehicle crushed or dismantled has a fair market value of \$500 or less. The appraisal shall be based on the standard value of the vehicle as determined by the most recent National Automobile Dealers Association Guide.

Proposed law requires an owner-operator to maintain a copy of one appraisal showing a vehicle crushed or dismantled has a fair market value of \$500 or less. The appraisal shall be based on the rough trade value of the vehicle as determined by the most recent National Automobile Dealers Association Guide.

Present law requires an owner-operator to maintain a copy of the original signed post office receipt of delivery, if the letter required to be sent by present law has been delivered, or the returned unopened envelope with the postal marking indicating attempt to deliver the letter. If either of these items could not be furnished, the storage or parking facility owner shall maintain other documented proof that the storage or parking facility owner sent notice to the stored vehicle owner.

Proposed law requires an owner-operator to maintain a copy of the receipt of certificate of mailing for the notice sent to the stored vehicle's owner and the returned unopened envelope, if applicable, with the postal marking indicating attempt to deliver the letter. If these items could not be furnished, the storage or parking facility owner shall maintain other documented proof that the storage or parking facility owner sent notice to the stored vehicle owner

(Amends R.S. 32:1728(D)(3) and (4) and 1728.2(D)(intro. para.), (F)(intro. para.), and (G)(2) and (6))